

Appn. No. 10/082,774
Amendment dated November 6, 2006
Reply to Office Action of September 5, 2006
IBM Docket No. BOC9-2001-0002 (238)

REMARKS/ARGUMENTS

These remarks are made in response to the Final Office Action of September 5, 2006 (hereinafter Office Action). As this response is timely filed within the three-month shortened statutory period, no fee is believed due. Nonetheless, the Examiner is expressly authorized to charge any deficiencies or credit any overpayment to Deposit Account No. 50-0951.

Claims 1, 2, 5-12, and 15-20 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent 6,263,064 to O'Neal, *et al.* (hereinafter O'Neal). Claims 3, 4, 13, and 14 were rejected under 35 U.S.C. § 103(a) as being unpatentable over O'Neal, in view of U.S. Patent 6,631,186 to Adams, *et al.* (hereinafter Adams).

Applicants have amended independent Claims 1 and 11 to emphasize certain aspects of the invention. The Amendments, as discussed herein, are fully supported by throughout the Specification. No new matter has been introduced through the amendments.

Applicants' Invention

It may be useful to reiterate certain aspects of Applicants' invention prior to addressing the references cited in the Office Action. One embodiment of the invention, typified by independent Claim 1, as amended, is a method of message delivery. The method can include registering a plurality of reception states that have been established by a receiving party. (See, e.g., Specification, p. 3, lines 3-8, and p. 6, lines 3-5; see also p. 7, line 8 - p. 8, line 4.) Each reception state can specify or define conditions for establishing communications links with receiving party addresses. The method can include establishing a communication link via one or more communication channels, where at least one alternate communication channel different from a communication channel associated with a first initiated communications link between a sending party and the receiving party is provided. Moreover, the specified conditions can be used to inform the sending party of a time at which the receiving party prefers to receive delivery of a

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message and a communication channel through which the receiving party prefers to receive delivery of a message depending on the nature of the message and/or the identity of the sending party. (See, e.g., Specification, p. 7, lines 4-21; p. 8, line 22 – p. 9, line 2; see also p. 9, lines 21-28, and p. 11, lines 11-18.)

The method can further include identifying a receiving party address from the first initiated communications link, and based upon the identification, determining which reception state data specified by the plurality of reception states to present according to the receiving party address. So determined, the reception state data can then be presented to the sending party via the same communications channel of the first initiated communications link and in a format appropriate for the device establishing the first initiated communications link. (See, e.g., Specification, p. 8, line 22 - p. 9, line 2).

The Claims Define Over The Prior Art

In the Office Action, independent Claims 1 and 11, as noted above, were each rejected as being anticipated by O'Neal. O'Neal is directed to a "computer-implemented control center" that enables a subscriber who subscribes to a plurality of communication services to "customize" communication options within a unified messaging system. (See, e.g., Col. 4, lines 8-12; see also Abstract.)

On Page 3 of the Office Action, it is acknowledged that O'Neal fails to expressly disclose informing the sending party of a preferred time and a preferred communication channel of the receiving party. It is further acknowledged in the Office Action on Page 3 that because Claims 1 and 11, as submitted in Applicants' response of July 5, 2006, fail to claim how the sending party is informed, O'Neal inherently anticipates the limitations of the submitted claims.

As of this Amendment, Claims 1 and 11 have been amended to further include the limitation of "presenting said reception state data to the sending party via the communication channel associated with the first initiated communications link, wherein said reception state data is presented in a form compatible with a device of the

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sending party making the first initiated communications link." Applicants respectfully submit that this amendment further clarifies Applicants' position that the reception state data for the receiving party is explicitly presented to the sending party initiating the communications link, along the same communications channel. For example, if a telephone call is made to a receiving party, the reception states would be presented in a format compatible with the telephone call and in a manner compatible with the telephone device being used. O'Neal, as acknowledged in the Office Action and discussed above, does disclose explicit notification to the sending party as described in the as amended claims.

It follows that O'Neal does not, either expressly or inherently, teach every feature recited in independent Claims 1 and 11. Applicants, therefore, respectfully submit that both claims, as well as the remaining dependent claims, define over the prior art.

CONCLUSION

Applicants believe that this application is now in full condition for allowance, which action is respectfully requested. Applicants request that the Examiner call the undersigned if clarification is needed on any matter within this Amendment, or if the Examiner believes a telephone interview would expedite the prosecution of the subject application to completion.

Respectfully submitted,



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